

division to be able to control its local higher educational institutions as well as its primary institutions.

DELEGATE J. CLARK (presiding): Delegate Bard.

DELEGATE BARD: You are thus not using the word "law" here to be synonymous with "general public law"?

DELEGATE J. CLARK (presiding): Delegate Wheatley.

DELEGATE WHEATLEY: No.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Cardin.

DELEGATE CARDIN: Delegate Wheatley, could you direct me to the terminology in section 5 which tells us what the local school system shall or shall not do because in the constitution we have attempted to separate the powers and delineate the responsibilities?

DELEGATE J. CLARK (presiding): Delegate Wheatley.

DELEGATE WHEATLEY: I am not sure that I follow the question.

DELEGATE J. CLARK (presiding): Delegate Cardin.

DELEGATE CARDIN: In section 4, it states very clearly what the State Board of Education does, what its responsibilities are and how it shall perform.

Section 5, I believe, is specific as to the local school system but I fail to find any language in there that tells us what the local school board is permitted to do.

DELEGATE J. CLARK (presiding): Delegate Wheatley.

DELEGATE WHEATLEY: I think your point is very well taken and I would have objection to amending the language if there were need for clarification. We interpreted this to mean the local school system, referring the system back to the type of thing that now exists and in the article now providing for this Article 77, Section 55 and 54 of the Maryland Code, the following language is used: "Shall exercise control and supervision over the public school system of the county." This is the intent of the Committee and we would certainly want to carry on the same intent now expressed in Article 77, Sections 54 and 55.

DELEGATE J. CLARK (presiding): Delegate Cardin.

DELEGATE CARDIN: That would not conflict if you were to include that language,

that would not conflict with the exercise, control and direction of the public school system in section 5.

DELEGATE J. CLARK (presiding): Delegate Wheatley.

DELEGATE WHEATLEY: Again, as I have indicated, if there is clarification needed as to purpose, the purpose of the Committee was to continue the state board as it now exists with its control limited to those areas for which it is responsible and then we would amend to make both of these compatible if the Committee of the Whole feels that they are inconsistent or conflicting with existing law.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Raley.

DELEGATE RALEY: Delegate Wheatley, in section 5, line 18, you said should there be a change proposed in the method presently employed in selecting such local school boards and so forth on down. I am very confused there, because I just do not think it can be done under the local government provision which prohibits local legislation; have you thought about that?

DELEGATE J. CLARK (presiding): Delegate Wheatley.

DELEGATE WHEATLEY: Again, let me be clear on this. We are not advocating any changes, and the reference to fiscal authority here refers to such existing fiscal authority as may now be joined by such school boards so your question is can it be done by local law. My answer is only if it will be provided by constitutional provision or state law to allow this.

DELEGATE J. CLARK (presiding): Delegate Raley.

DELEGATE RALEY: But I think we are getting into an awfully confused tangle in this section and it would be better to have left out any reference to it whatsoever.

DELEGATE J. CLARK (presiding): Delegate Wheatley.

DELEGATE WHEATLEY: You are referring to the provision on fiscal authority.

DELEGATE J. CLARK (presiding): Delegate Raley.

DELEGATE RALEY: No, the method of changing a local board in section 5.

DELEGATE J. CLARK (presiding): Delegate Wheatley.

DELEGATE WHEATLEY: Again, as I tried to explain in my report, where per-